UNITED STATES-SOVIET GOVERNING INTERNATIONAL FISHERY AGREEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

OF THE

COMMITTEE ON MERCHANT MARINE AND FISHERIES HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

H.R. 4919

TO APPROVE THE GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS

JUNE 30, 1988

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UNITED STATES-SOVIET GIFA

THURSDAY, JUNE 30, 1988

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT, COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:36 a.m., in room 1334, Longworth House Office Building, Hon. Gerry E. Studds (chairman of the subcommittee) presiding.

Present: Representatives Studds, Lowry, Hutto, Bateman, Miller, and Herger.

Subcommittee staff present: Lisa Murray, Jeffrey Pike, Joyce Sacco, and Rodney Moore.

Committee staff present: Kelly Faulkner and Thomas Melius.

STATEMENT OF HON. GERRY E. STUDDS, CHAIRMAN, SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

Mr. STUDDS. The subcommittee will come to order.

We meet this morning to receive testimony from Ambassador Edward Wolfe on the recently concluded fisheries agreement between the United States and Soviet Union. Under the terms of the MFCMA, the agreement constitutes a Governing International Fisheries Agreement and is subject to a 60-day congressional layover period before taking effect. To expedite these procedures, Congressman Young and I have introduced H.R. 4919 which would cause the agreement to go into effect upon enactment of the bill.

Having reviewed the agreement, I want to congratulate Ambassador Wolfe on his efforts to conclude what appears to be a very sound accord yielding benefits to both our fishing industry and our Nation. There appears to be virtually unanimous support for the new GIFA from every sector of the industry. I have even heard words such as unique, landmark, and historic used to describe the agreement. Today we hope to learn whether, in fact, these praises are justified.

Finally, Ambassador Wolfe, I must take notice that while you have been extremely successful in negotiating a long-term fisheries agreement with the Soviet Union—a country with which we have historically had some differences—the Department of State has yet to make any headway in our fisheries relationship with our biggest trading partner to the north, Canada. While I understand the difficulties, particularly in New England, of obtaining a consensus on any issue involving fish, I find it hard to believe that dealing with the Canadian government is any more challenging than working

with that of the Soviet Union. I hope your experiences in negotiating this agreement, as well as the South Pacific Tuna Treaty, will bring some new hope for the prospect on an improved fisheries relationship with Canada. I look forward to working with you towards that end.

We welcome you back to this subcommittee. Proceed as you will.

Ambassador WOLFE. Thank you, Mr. Chairman.

I would like to submit my written statement in full for the record and summarize in five minutes or so. If it's agreeable to the Chairman, I would open the balance of the time for questions and answers.

Mr. STUDDS. Without objection.

Ambassador WOLFE. Let me introduce my——

Mr. STUDDS. Excuse me. Do you have an opening statement, gentlemen?

I beg your pardon. I forgot to ask my colleagues if they wished to proceed.

Mr. MILLER. Mr. Chairman, let's just note the interest of the northwest in Ambassador Wolfe's work and our pleasure in that work.

Mr. STUDDS. You may note it at whatever length you wish. The Chair apologizes.

Mr. MILLER. I will enter a statement in the record, Mr. Chairman.

Mr. STUDDS. Without objection. Also, the statement of Mr. Young will be in the record.

[The prepared statements of Mr. Miller and Mr. Young follow:]

OPENING STATEMENT OF
CONGRESSMAN JOHN MILLER
SUBCOMMITTEE ON
FISHERIES AND WILDLIFE CONSERVATION
AND THE ENVIRONMENT
JUNE 30, 1988

MR. CHAIRMAN, I WANT TO WELCOME AMBASSADOR WOLFE. HE IS, TO MY MIND, AN EXCELLENT EXAMPLE OF HOW A PUBLIC SERVANT SHOULD DO HIS JOB. ALMOST EVERYONE IN THE FISHING INDUSTRY HAS HIGH PRAISE FOR AMBASSADOR WOLFE'S WORK. HE HAS ALSO BEEN VERY HELPFUL IN WORKING WITH ME ON BEHALF OF MY CONSTITUENTS ON THE SOVIET FISHERIES AGREEMENT AND OTHER TOPIC

THE AGREEMENT WE ARE HERE TO DISCUSS IS THE BEST EXAMPLE OF HIS FINE WORK.

DURING MY FIRST YEAR IN CONGRESS, I RECALL A GROUP OF CRAB FISHERMEN COMING TO MY DISTRICT OFFICE TELLING ME HOW THEY THOUGHT THERE WERE UNEXPLORED OPPORTUNITIES IN THE SOVIET FISHING ZONE. THEY ADMITTED THEIR GOAL WAS A LONG SHOT. THEY TOLD ME ABOUT A RESOLUTION BY THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL CALLING FOR NEGOTIATIONS WITH THE SOVIETS. BUT MAJOR QUESTIONS NEEDED TO BE ANSWERED. WOULD THE SOVIET UNION ACTUALLY ALLOW OUR FISHERMEN TO WORK IN THEIR WATERS? WAS OUR ADMINISTRATION ACTUALLY INTERESTED IN A NEW FISHERIES AGREEMENT? WELL, MR. CHAIRMAN, THESE QUESTIONS HAVE BEEN ANSWERED BY THIS AGREEMENT AND I WANT TO THANK AMBASSADOR WOLFE FOR HIS FINE WORK IN GETTING US THE ANSWERS WE HOPED WE WOULD HEAR.

MR. CHAIRMAN, ONE OF THE HIGH POINTS OF THIS AGREEMENT, I THINK, IS THAT WE ARE PUTTING THE CONCEPT OF RECIPROCITY TO WORK. WE WILL NOW HAVE ONE FISHERIES AGREEMENT WITH THE SOVIET UNION SETTING THE RULES FOR ACCESS TO THE FISHING GROUNDS OF BOTH NATIONS.

MY CONSTITUENTS, AS I MENTIONED, INCLUDE CRAB FISHERMEN, WHO BELIEVE THEY NOW HAVE AN OPPORTUNITY UNDER THE NEW SOVIET LAWS TO ENTER INTO EQUITY AGREEMENTS. I RECENTLY MET WITH A GROUP OF FISHERMEN WHO ATTENDED A MEETING IN THE CITY OF KHABAROVSK. THEY LEFT FEELING THAT THIS AGREEMENT IS PART OF OPENING A WINDOW OF OPPORTUNITY WHICH WILL BE MUTUALLY BENEFICIAL.

YESTERDAY, IN THE FOREIGN AFFAIRS COMMITTEE, AMBASSADOR WOLFE SAID THAT HE WANTED TO PUT THIS AGREEMENT ON A FAST TRACK. HE TOLD US THAT THE ADMINISTRATION WOULD BE ASKING THIS COMMITTEE TO CONSIDER A RESOLUTION APPROVING OF THIS AGREEMENT. I WANT TO LET YOU KNOW THAT I HOPE WE DO TAKE UP A RESOLUTION AND APPROVE IT PROMPTLY.

THANK YOU.

STATEMENT BY THE HONORABLE DON YOUNG (R.-ALASKA) BEFORE THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT HEARING ON H.R. 4919, A BILL APPROVING THE COMPREHENSIVE FISHERIES AGREEMENT BETWEEN THE U.S. AND THE U.S.S.R.: JUNE 30, 1988.

Mr. Chairman, I want to commend you on having this hearing today on a measure that is extremely important to the State of Alaska.

As you know, we in Alaska have been working for nearly ten years to establish a fisheries program with the Soviet Union that will allow our fishermen access to Soviet resources on the same basis that Soviet fishermen have access to our resources. The agreement that would be approved by the legislation before us today provides exactly what we have been seeking. I want to commend the Department of State and the Department of Commerce for getting this agreement negotiated and signed.

I also want to remind both agencies of those parts of the agreement that deal with resources beyond the 200-mile zones of our countries. As you know, we have an international scientific meeting occurring in Sitka next month to discuss the resources in the so-called "doughnut hole" in the Bering Sea. Following this conference, I hope that the Administration will move aggressively to find a means of protecting fish stocks in that area. If at

ALL POSSIBLE, THIS SHOULD INCLUDE A MORATORIUM ON FISHING IN THAT AREA BY ALL NATIONS UNTIL WE DETERMINE WHAT PROBLEMS MAY EXIST.

I ALSO HOPE THAT THE ADMINISTRATION WILL TAKE CAREFUL NOTE OF ARTICLE VII OF THE AGREEMENT DEALING WITH FISHING FOR ANADROMOUS SPECIES. THE U.S. HAS MOVED AGGRESSIVELY TO LIMIT THE WASTEFUL HIGH SEAS DRIFTNET FISHERY IN THE NORTH PACIFIC OCEAN. I HOPE THAT THE ADMINISTRATION WILL CONVINCE OUR COUNTERPARTS IN THE SOVIET UNION TO DO THE SAME.

MR. CHAIRMAN, THIS IS A SIMPLE, NONCONTROVERSIAL BILL AND I HOPE THAT WE CAN MOVE FORWARD WITH IT QUICKLY SO THAT THIS AGREEMENT CAN GO INTO EFFECT. THANK YOU.

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DY:RMM

Mr. STUDDS. Without objection, the other gentleman from Washington is recognized indefinitely.

STATEMENT OF HON. MIKE LOWRY, A U.S. REPRESENTATIVE FROM WASHINGTON

Mr. LOWRY. Thank you, Mr. Chairman.

I have a statement for the record. I would like to ask unanimous consent to have it included in the Record.

I'd like to compliment Ambassador Wolfe and the people that have done the work on negotiating this. I think it is a very positive step forward. I have hopes, as do many, that this is a beginning of following steps that will also be very positive. I hope that this is a beginning of steps that will interest the fishing interests from Japan in addressing our mutual needs and concerns. So I want to congratulate you. I think it is a very positive step forward.

Ambassador WOLFE. Thank you.

Mr. LOWRY. Thank you, Mr. Chairman.

[The prepared statement of Mr. Lowry follows:]

STATEMENT BY THE
HONORABLE MIKE LOWRY (D-WA)
REGARDING THE U.S. SOVIET COMPREHENSIVE
FISHERIES AGREEMENT
JUNE 30, 1988

MR. CHAIRMAN, I WOULD LIKE TO COMMEND YOU FOR HOLDING THIS HEARING ON WHAT I BELIEVE IS AN EXTREMELY IMPORTANT NEW FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE SOVIET UNION. ALTHOUGH I EXPECT TO HEAR MORE ABOUT THIS AGREEMENT TODAY FROM AMBASSADOR WOLFE, FROM WHAT I DO KNOW ABOUT THE AGREEMENT, I BELIEVE IT IS A VERY SIGNIFICANT AGREEMENT AND AMBASSADOR WOLFE SHOULD BE CONGRATULATED FOR CARRYING OUT A VERY QUITE, BUT EFFECTIVE AND SUCCESSFUL SET OF NEGOTIATIONS.

FIRST, MR. CHAIRMAN, NOT ONLY WILL THIS COMPREHENSIVE AGREEMENT PROVIDE FOR RECIPROCAL ACCESS ARRANGEMENTS TO BOTH NATION'S EXCLUSIVE ECONOMIC ZONES (EEZ) BUT IT WILL ALSO PROVIDE A BROADER BASIS FOR ADDITIONAL JOINT VENTURE FISHING OPERATIONS AS WELL AS TRADE OPPORTUNITIES. SECOND, AND PERHAPS MOST IMPORTANT, THIS COMPREHENSIVE BILATERAL 5-YEAR AGREEMENT WILL PROVIDE A BASIS FOR OTHER COUNTRIES FISHING IN THE NORTH PACIFIC TO ACHIEVE BETTER CONSERVATION AND MANAGEMENT OF POLLOCK AND OTHER RESOURCES IN THE BERING SEA BEYOND EACH NATION'S EEZ.

MR. CHAIRMAN, THIS IS A VERY IMPORTANT AGREEMENT WHICH HAS VERY POSITIVE IMPLICATIONS FOR THE PACIFIC NORTHWEST AND OUR NATION, AND I HOPE TO WORK WITH YOU TO EXPEDITE LEGISLATION TO IMPLEMENT THIS AGREEMENT. THANK YOU MR. CHAIRMAN.

Mr. STUDDS. Are there any further statements?
[No response.]
Mr. STUDDS. The Chair apologizes again to his colleagues.
Ambassador Wolfe?

STATEMENT OF AMBASSADOR EDWARD E. WOLFE, DEPUTY ASSISTANT SECRETARY, BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY JAY JOHNSON, DEPUTY GENERAL COUNSEL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Ambassador WOLFE. Thank you, Mr. Chairman.

In that regard, let me just say that it was truly a team effort bringing this comprehensive fisheries agreement before you.

To my left is Jay Johnson, the new Deputy General Counsel of NOAA. He was a major part of the negotiating effort and was with us in Moscow during the last session. So certainly NOAA, staff of this committee and other committees, and equally as important, our relationship with the industry—I think we put together a good team. I think we have a good document. So thank you for those positive words.

At the outset, Mr. Chairman, let me thank you, the ranking minority member, and the rest of the subcommittee for introducing the resolution of approval on the GIFA. According to our calculations, we are not sure that we have the 60 consecutive legislative days necessary for the oversight period. It is such an important agreement for all of us that we very much appreciate your action in that regard.

This agreement is the culmination of many years of talks towards a broad fisheries accord with the Soviet Union and, in my opinion, marks a new phase in our bilateral fisheries relationship. It is our expectation that the agreement will lead to increased economic cooperation between the U.S. and Soviet fisheries industries and also to improved coordination between our two countries on fisheries issues of mutual concern.

I would point out to the committee that the Soviet Union was the first country to engage in what we know as the "over-the-side" ventures in the U.S. economic zone with our U.S. industry. These ventures during the past 10 years, of course, have benefitted your constituents from Washington, Oregon, California, and certainly the State of Alaska.

During the 1980's these joint ventures dramatically increased in number to the mutual benefit of both the U.S. and the Soviet fishing industries. However, as our fishermen in the U.S. developed their ability to harvest all of the available resources in our waters—principally during the mid-1980's—they began looking to opportunities for access to fisheries in other countries' waters. Of course, it comes as no surprise one of those countries is the Soviet Union.

We began negotiations in earnest with the Soviet Union in 1987. We had two very serious sessions. In January, 1988, we concluded an interim text with the Soviet Union which provided for access of the U.S. fleet to the Soviet zone. The interim agreement was signed

in Moscow on February 21st by Secretary Shultz and Foreign Minister Shevardnadze.

As part of this interim agreement, both of our countries agreed that we would immediately begin talks on a comprehensive fisheries accord agreement that would operate under one single framework and would control all aspects of our bilateral fisheries relationship.

I led a delegation to Moscow from May 18 through May 22. We concluded talks during that period. An agreement was reached in principle. Finally, the text was signed during the summit by Secretary Shultz and the Soviet Fisheries Minister.

When the comprehensive agreement enters into force, it will, of course, replace both the existing Governing International Fisheries Agreement which expires at the end of this year, and the interim agreement that I referred to earlier. It will govern under similar terms access by fishermen of each country to the other country's waters. It is a five-year agreement.

Again, it provides new opportunities for fishermen from each country to engage in mutually beneficial operations in the other country's waters. I would point out again that I believe it is the only reciprocal fisheries agreement that the United States has concluded with any country, and certainly in recent years. It represents a possible model for future types of agreements that we may wish to enter into with our foreign fishery colleagues.

As you know, the fishing industry is particularly interested in establishing joint ventures in the Soviet zone. There could be joint ventures. There could be joint marketing possibilities. There could be joint processing possibilities. I think initially these possibilities will be available for king crab and other high-value species. We will have to wait and see what comes there.

New Soviet joint enterprise laws now provide for the conclusion of joint arrangements between the Soviet Union and western firms. We understand from our embassy in Moscow that the Soviet Union views fisheries as one of the fields in which such joint ventures can be successfully established.

In this regard, I am sure you are aware that a group of U.S. and Soviet fishing industry representatives met in Khabarovsk, Soviet Union in March. They reached agreement on a large number of areas in which we believe cooperative arrangements between our two countries can and will be established.

It is our expectation that as a result of this comprehensive agreement U.S. companies will now be able to enter into mutually beneficial arrangements with their Soviet counterparts. This agreement also provides a framework for cooperation between our two countries on other fishery issues of mutual concern.

Among other issues, the two sides have agreed to cooperate on addressing the conservation of pollock and other species, such as salmon and cod, in the areas of the Bering Sea beyond our respective 200-mile zones. Of course, there is also a very good and helpful provision in the agreement with regard to the protection of salmon on the high seas areas of the North Pacific Ocean beyond our 200-mile nautical zones. This Bering Sea fisheries issue, as the subcommittee is indeed aware, presents a particularly important area for

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cooperation between our two countries. I refer specifically to the donut issue.

We have agreed with the Soviets to cosponsor a multilateral scientific symposium from July 19 through July 22 in Alaska. We will be reviewing the Bering Sea fishery resources certainly in light of the vastly increased level of fishing in the central portion of the Bering Sea. I believe that this type of scientific symposium will be the first step in developing measures to address what we all believe are serious conservation concerns.

In closing, Mr. Chairman, let me reiterate our view that this comprehensive fisheries agreement represents a major new undertaking in our international fisheries relations. It provides the U.S. industry with new opportunities in Soviet waters and facilitates cooperation between our two countries on fisheries issues of mutual concern.

Again, I hope that after reviewing the agreement, the Congress will take favorable consideration and move as expeditiously as possible to pass the pending legislation before you. Thank you, Mr. Chairman.

[The prepared statement of Ambassador Wolfe follows:]

TESTIMONY OF

AMBASSADOR EDWARD E. WOLFE
DEPUTY ASSISTANT SECRETARY
BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS
DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
AND THE ENVIRONMENT
UNITED STATES SENATE

JUNE 30, 1988

Mr. Chairman and members of the Subcommitee, I am pleased to be here today to provide the comments of the Department of State regarding the May 31 comprehensive fisheries agreement between the United States and the Soviet Union. This agreement is the culmination of many years of talks toward a broad fisheries accord with the Soviet Union and it marks a new phase in our bilateral fisheries relationship. It is our expectation that the agreement will lead to increased economic cooperation between the U.S. and Soviet fishing industries and to improved coordination between our two countries on fisheries issues of mutual concern.

As you are aware Mr. Chairman, we have in general had a good fisheries relationship with the Soviet Union since the signing of a Governing International Fisheries Agreement (GIFA) in November 1976. Despite difficulties in the fisheries relationship in the early 1980's created by the general

political situation and concerns over Soviet commercial whaling, the Soviet Union was the first country to engage in so-called "over-the-side" joint ventures in the U.S. exclusive economic zone (EEZ) with the U.S. fishing industry. During the 1980's these joint ventures dramatically increased in size to the mutual benefit of both the U.S. and Soviet fishing industries.

As U.S. fishermen developed their ability to harvest all the available fisheries resources in U.S. waters in the mid-1980s, they began to look toward opportunities for access to fisheries in other countries' waters, particularly in the Soviet economic zone (EZ). In 1986 the North Pacific Council endorsed a resolution calling on the Department of State to enter into negotiations with the Soviet Union for fisheries access to Soviet waters. Following consultations with U.S. industry representatives in early 1987, we held two rounds of talks with Soviet officials in August 1987 and January 1988 and concluded the text of an interim agreement which would provide the U.S. industry with access to the Soviet EZ on terms not more restrictive than those which apply to Soviet access to the U.S. EEZ. This interim agreement was signed in Moscow on February 21 by Secretary Shultz and Soviet Foreign Minister Shevardnadze.

3.

As part of the interim agreement both countries also agreed to immediately begin talks on a comprehensive agreement which would govern under one single framework all aspects of the bilateral fisheries relationship. I led a U.S. delegation for talks on this comprehensive agreement to Moscow from May 18-22, where an agreement in principle was reached on a draft text. This text was signed during the Moscow summit by Secretary Shultz and Soviet Fisheries Minister Kotlyar on May 31.

When the comprehensive fisheries agreement enters into force, it will replace both the U.S.-Soviet GIFA and the February 21 interim access agreement. It will govern, under similar terms, access by fishermen of each country to the other country's waters. The five-year agreement provides new opportunities for fishermen from each country to engage in mutually beneficial operations in the other country's waters on a reciprocal basis. This is the only reciprocal fisheries agreement the United States has concluded with any country in recent years and represents a possible model for future bilateral fisheries agreements with other countries.

The U.S. fishing industry is particularly interested in establishing joint ventures with the Soviet industry to harvest, process, and market crab and other high-value species from the Soviet EZ. New Soviet joint enterprise laws now allow

4.

for the conclusion of joint arrangements between Soviet and Western firms. We understand that the Soviet Union views fisheries as one of the fields in which such joint ventures can be successfully established. In this regard, a group of U.S. and Soviet fishing industry representatives met in Khabarovsk in March 1988 and reached agreement on a large number of areas in which cooperative arrangements between the two industries could be established. It is our expectation that, as a result of the comprehensive fisheries agreement, U.S. companies will now be able to enter into mutually beneficial arrangements with their Soviet counterparts.

The comprehensive fisheries agreement also provides a framework for cooperation between the two countries on other fisheries issues of mutual concern. Among other issues, the two sides have agreed to cooperate on addressing the conservation of pollock and other species in the areas of the Bering Sea beyond their 200-mile zones and the protection of salmon on the high seas areas of the North Pacific Ocean beyond their 200 nautical mile zones. A U.S.-Soviet Intergovernmental Consultive Committee will be established under the terms of the agreement to review, on a regular basis, all aspects of the bilateral fisheries relationship.

5.

The Bering Sea fisheries issue presents a particularly important area for cooperation between the two countries. As you are aware, we have been engaged in talks with the Soviet Union to consider the legal, scientific, and enforcement aspects of the Bering Sea issue. Following talks in Washington, D.C., from April 18-22 and in Moscow from May 19-22, we agreed with the Soviets to co-sponsor a multilateral scientific symposium in Sitka, Alaska, from July 19-22 to review Bering Sea fisheries resources in light of the vastly increased level of fishing in the central portion of the Bering Sea. This scientific symposium will be the first step in developing measures to address this serious conservation concern.

In closing Mr. Chairman, I would like to reiterate our view that the comprehensive fisheries agreement represents a major new undertaking in our international fisheries relations. It provides the U.S. industry with new fisheries opportunities in Soviet waters and facilitates cooperation between the two countries on fisheries issues of mutual concern. I hope that after reviewing the text, the Congress will take expeditious positive action so that this agreement can be implemented at an early date.

Ambassador WOLFE. That was less than five minutes, maybe.

Mr. STUDDS. That was extraordinary. Thank you, Mr. Ambassador.

The MFCMA requires that foreign fishing shall not be authorized for any nation that does not extend substantially the same privileges to our vessels. Yet as I understand it from your statement, this Soviet GIFA is the first such reciprocal agreement that we have concluded. What significance is there in that? Ought we to have been doing this all along? How do the requirements of the act bear on this in your judgment?

Ambassador WOLFE. First let me point out, Mr. Chairman, as you are aware, that for many years our U.S. industry principally in that Pacific northwest has not had a major interest to fish in other parts of the world for this type of fish in that there were plenty of resources in our own zone. So we have not, of late, activated this reciprocity provision.

Now that we are catching and processing the majority of the resources in our own zone, we are actively looking for other areas around the world, most notably the Soviet Union. So we have begun to activate the reciprocity provision.

Mr. STUDDS. Well, I think immediately of Canada when you say there hasn't been much interest.

Ambassador WOLFE. I was making that comment——

Mr. STUDDS. I am trying to get you to respond generally to that Soviet——

Ambassador WOLFE. Driving up here today, I had certainly the feeling that I would be asked a question about Canada. I put some of my thoughts down on paper.

Maybe it would be helpful if I responded at this point to your opening statement. The first part was very positive. The second part was less positive, with regard to our lack of negotiations with the Canadians.

Mr. STUDDS. The second part wasn't so much negative as it was wondering.

Ambassador WOLFE. Or questioning. Yes, sir.

I think it is a good question and a valid question.

It is true, there has not been a lot of bilateral activity between the U.S. and the Canadians on fisheries issues. As the Chair knows, it is a very controversial and sensitive issue.

Myself, I have traveled with your staff and others to Canada to meet with Canadian officials regarding U.S.-Canadian cooperation. I have traveled to four States in the New England region to meet with the industry to see if there is any interest specifically in NAFO, the North Atlantic Fisheries Organization. I did not get a lot of positive response during my trip.

But I would say for the record—and it will turn out to be a controversial statement for some—I think that the United States should keep the door open on this NAFO issue. I think that we all believe that conservation is important, certainly not only to the State Department and the Commerce Department, but to the subcommittee. I believe that we should continue considering U.S. Government participation in the NAFO conservation organization if enough benefits would accrue to the U.S. East Coast industry in this regard.

So we are more than willing and able to sit down and continue talking—I underline "continue talking"—with the Canadians if we have the industry support to do that.

Mr. STUDDS. I am glad to hear that.

I have just one other question before I turn it over to my colleagues. It has been the Department's policy generally to negotiate GIFA's for a term of two years. We now have a five-year term with the Soviets. I understand that the Koreans and the Japanese, at least, among others, were interested and requested consideration of a longer term. Why five years with the Soviet Union and not with other nations?

Ambassador WOLFE. Very simply, Mr. Chairman, this agreement is different from the other agreements in that it is more than a reciprocal agreement. It is a comprehensive one. As I mention in my statement, we have salmon provisions in there; we have provisions for the "donut," the Bering Sea high seas area.

With regard to the Japanese agreement which we just extended for a two-year period, that agreement deals primarily with allocations. It is a framework agreement, no rights and obligations.

In this Soviet agreement, we opted for a longer period because we see this as a model for future agreements with other countries. It is long-term. We don't want to have to keep coming back to you every year or two to review our agreements and pass our agreements. We think it is a good model. It is a good standard. We will probably be asking you in the future to consider this type of agreement for other countries that wish to do fisheries business with us.

Mr. STUDDS. So you will be looking towards more comprehensive, longer-term agreements with other nations.

Ambassador WOLFE. That's correct.

Mr. STUDDS. Very good.

The gentleman from Virginia?

Mr. BATEMAN. Thank you, Mr. Chairman.

Mr. Ambassador, are there any issues open, or problems relating to whaling?

Ambassador WOLFE. Do you have an hour or two, Mr. Bateman? [Laughter.]

Ambassador WOLFE. There are outstanding whaling issues that I would certainly defer to my colleague from the Department of Commerce, Mr. Johnson, who has the statutory responsibility to deal with that issue.

From a foreign policy perspective, yes. There are outstanding problems with the government of Japan. Yes, there are continuing discussions with the government of Iceland. There are continuing discussions with the government of Norway.

Mr. BATEMAN. My focus here is with the Soviet Union.

Ambassador WOLFE. With the Soviet Union.

At this point in time, we have resolved our whaling differences with the Soviet Union.

Is that a correct statement?

Mr. JOHNSON. That's correct.

Mr. BATEMAN. Well, that is good to hear.

The other question—and I don't know whether this is something you may want to respond to for the record rather than at the hearing this morning—do we have any problems here of Soviet fishing

vessels in or near the American coast in electronic intelligence gathering activities?

Ambassador WOLFE. Obviously, Mr. Bateman, that's a very sensitive question. I would be more than willing to put the appropriate people together to come up and brief you on that issue, or anyone else that has an interest.

Mr. BATEMAN. I would like that if you would.

Ambassador WOLFE. OK. We will make a record of that and provide that for you.

Mr. BATEMAN. That is all I have, Mr. Chairman.

Mr. STUDDS. Mr. Lowry?

Mr. LOWRY. Thank you, Mr. Chairman.

What plans are there to involve the U.S. fishing industry in the implementation of the agreement? Can you explain how you will be proceeding on that.

Ambassador WOLFE. Yes, sir, Mr. Lowry.

We put together a Task Force representing industry members from Washington, Oregon, California, and Alaska. There were 12 or so people. This Task Force was consulted on a regular basis prior to the interim agreement. The Task Force was not formed at that time, but we were consulting with the same people. Now it has been formed. We consulted with the Task Force during the negotiations, and I had hoped to take some of the Task Force members to Moscow during the last session. That was not possible because of the lack of lodging in Moscow during the summit.

We will, as you know, have a meeting in Sitka, Alaska; the scientists will meet. The majority of the Task Force will be in attendance at that meeting. We will be meeting with the Soviets after the Sitka scientific symposium to discuss where we might want to go from here. Certainly, members of the Task Force will be a part of that process.

I think there is active industry involvement and, obviously, a constant consultation process with the Hill. I think we have a very good process in that regard.

Mr. LOWRY. I certainly encourage that. I think it is very important to the success. Thank you on that.

Could you give a brief update on what progress there has been with the government of Japan relative to the Bering Sea fisheries violations earlier this year?

Ambassador WOLFE. Yes, sir.

Very briefly, since the reported sightings in our zone—and I will ask Mr. Johnson if he has any comments after I finish—we have been in close contact with the Japanese Embassy. As you know, we urged the immediate investigation of the incident. On the 15th of June we received their final report. It was later than we had hoped, but it was a very thorough and, I would have to say, a positive response.

Very briefly, I would say that eight of their vessels were determined to be guilty of illegal fishing. Five of these vessels were given 65-day port confinement penalties. Punitive actions on the other three vessels will be announced in the future. All of the companies involved have expressed their intention to pay the monetary penalties imposed by the Department of Commerce.

So let me just underline that although it was late in coming, I think it was a positive response. And speaking for the State Department—I won't attempt to speak for Commerce—I believe that it was a positive response.

Sir, you might want to respond.

Mr. JOHNSON. Mr. Lowry, we certainly agree that this is an unprecedented level of enforcement cooperation from the government of Japan. It has greatly facilitated our attorney's efforts to make the collections on the cases that we have issued. We have really appreciated their efforts at identifying the vessels that we weren't able to identify from the video tape. It is really a good model. We would like to see that level of cooperation in all of the fisheries enforcement issues with Japan. There are several.

Mr. LOWRY. Well, thank you.

Mr. Chairman, is Merchant Marine and Fisheries the only committee that GIFA's go through?

Mr. STUDDS. Yes.

Mr. LOWRY. Thank you.

Mr. STUDDS. Mr. Miller?

Mr. MILLER. Yes, Mr. Chairman. I thank you for calling this session.

I have an interest coming from where I do that maybe transcends that of some others. Probably the people in my district, the fishermen in my district, are going to benefit more from your work on this treaty than just about any district in the country. They are very excited about it. They are very complimentary of your efforts and what you have done.

However, looking ahead to the implementation of this agreement, I see that one of the things in this agreement calls for joint research with the Soviet Union. There's going to be a scientific conference in Sitka. It looks like there is going to be a big additional appropriation required to finance all this.

So the question is: what do you anticipate the costs will be over the next several years of following through on this agreement? What steps do you in the State Department intend to take to see that the OMB in the next Administration—whoever's Administration it is—will stand up and push for those moneys?

Ambassador WOLFE. Thank you, Mr. Miller.

As you are aware, Mr. Miller, that question was raised yesterday. I probably did not give a very good response yesterday. I won't give a much better one today since I believe it is a Commerce Department responsibility.

I would reemphasize what I said yesterday though. There are ongoing scientific research projects, certainly, with the Soviet Union and other countries that we have fisheries relations with. I believe these will continue. I am not aware of the need for major additional amounts of money to implement the comprehensive fisheries agreement. But I would defer again to Commerce who has the principal responsibility.

Mr. JOHNSON. Mr. Miller, I think we basically agree that in the short-term this is not going to add any new research requirements that we are not already performing. In the long-term that is a possibility.

For the time being, there actually will probably be a positive benefit to our appropriations in that we will be getting greater cooperation from the Soviets. They have gathered a lot of data. They have obviously been fishing in that area longer than we have. They have a good deal of practical experience and knowledge about the stocks.

We can't say right now when additional appropriations might be required. Perhaps after the Sitka meeting, when the scientists get together and really determine what they know and what they don't know, we will have a better idea. At this time, it looks like we have sufficient funds for the short-term. We should be getting some additional assistance from the Soviet cooperation to make those funds more effective.

Ambassador WOLFE. If I could just point out for the record, and take a brief minute or two, we have made reference to the Sitka meeting. I am not sure I have explained that thoroughly enough. Because of the high seas "donut" area in the Pacific northwest that we have been dealing with on a regular basis, we agreed with the Soviets to put together a scientific symposium to meet and discuss the legal, scientific, technical, and enforcement aspects of this Bering Sea high seas area where all of this increased fishing has been taking place. The meeting, as I said, is scheduled in July.

We have invited and have received acceptances from the People's Republic of China, the government of Poland, Korea, and Canada. We are still waiting for a response from Japan, one of the major countries that we hope will participate in this conference.

After we determine what science is available, we need to sit down and determine what direction we are going to take with regard to this "donut." As I explained before the other committee yesterday, the House Foreign Affairs Committee, the "donut" is a high seas area between the exclusive economic zones of U.S. and the Soviet Union. It is called a "donut" because this high seas area is surrounded by the zones of the U.S. and the Soviet Union. So, it has become a very controversial area with the increased fishing.

Mr. STUDDS. Mr. Hutto?

Mr. HUTTO. No questions, Mr. Chairman.

Mr. STUDDS. Let me just ask two things, if I may, Mr. Ambassador.

Article XIV of the agreement requires the establishment of an Intergovernmental Consultative Committee. What is the importance of that? Specifically, what responsibilities or authority would that committee have?

Ambassador WOLFE. As the chairman is aware, during the past five years or six years we have had interruptions to out fisheries relationship with the Soviet Union. Whether it was for whaling, whether it was for Afghanistan or for other foreign policy reasons, we have had an interruption in our relationship.

We thought—and the Soviets agreed with us—that we needed some type of mechanism whereby we could have an ongoing dialogue. We included in the agreement, as you pointed out, an Intergovernmental Consultative Committee. The committee will meet at least twice a year, either in the U.S. or the Soviet Union, to review all aspects of our bilateral fisheries relationship.

The U.S. section of this committee will consist of two Federal Government officials. I would think one will be from the State Department and one from the Commerce Department. That would be the likely choice. We are reviewing the most effective means for industry consultation. Certainly, we will continue consulting with Congress before these meetings, and State government, and the fishing industry and its representatives.

We have this Task Force that I mentioned to you earlier. We will actively be using this Task Force as a part of the Intergovernmental Consultative Committee process.

Mr. STUDDS. Let me ask you this, coming at it one more time. In your discussions with other governments concerning fishing activities on the high seas—particularly in the donut hole, the Bering Sea, about which you have been asked a couple of times this morning—you have been pressing for a multilateral approach to conservation and management. In the northwest Atlantic, we, the United States, are fishing outside the existing international convention, NAFO. I wonder if in any way this, if you will, extra-legal fishing activity hinders your progress in the Pacific northwest? Do you not see some inconsistency between the two?

Ambassador WOLFE. Number one, I do not see any inconsistency whatsoever.

I would say that there is, in my opinion, no direct relationship between NAFO and the Bering Sea "donut" issue. As the Chairman is aware, NAFO is an ongoing organization which makes decisions on management measures. In the "donut" area, the scientific basis for management decisions is not clear, thus the Sitka meeting. We think it is too early to determine what type of regime is appropriate. That is why we are having this scientific symposium.

Mr. STUDDS. No, I mean, clearly, in the donut area, any regime that would be appropriate would have to be multilateral in nature.

Ambassador WOLFE. There are those that would disagree with you. I may not be one of those. But we have put together a U.S. Government team, all of the agencies to review whether we should be looking at a unilateral, a bilateral, or a multilateral.

Mr. STUDDS. Who, for example, might disagree with that? Just for fun.

Ambassador WOLFE. I think there are those in industry that might disagree with that.

Mr. STUDDS. Is there a legally defensible argument with respect to unilateral action on the high seas?

Ambassador WOLFE. In my opinion, there is not a good—again, this is one Agency's opinion. There are three or four agencies involved, including Defense. In my opinion, there is not a good legal international argument for unilateral or bilateral action in this particular area of the world, the "donut" area.

My preference has been, and continues to be, to try and get all of the countries I mentioned earlier involved in some type of effort to take a look at the science first and then determine if further action would be necessary.

Mr. STUDDS. If there is an argument either within international law or anywhere else with respect to a nation being able to exert management authority over stocks in the high seas, it will be interesting to hear.

Ambassador WOLFE. We can certainly provide——

Mr. STUDDS. I realize international law is not always considered a kind concept to some parts of this Administration, especially the law of the sea.

I didn't mean it to be a tricky question. It just seems to me that, quite rightly, you are proceeding to discuss multilaterally problems with respect to the management questions on the high seas in the Pacific. There has been no such enthusiasm with respect to the Atlantic. Therein was where I was suggesting might lie the inconsistency in our approach.

Ambassador WOLFE. Again, I don't share your belief that there may be an inconsistency. I think we're dealing with two different issues. There's not a direct link between the NAFO issue and the donut issue. Mr. Pike might disagree with me but I——

Mr. STUDDS. Mr. Johnson, does that expression mean you do? Or do you not wish to be asked to come out on the question?

Mr. JOHNSON. Let me say that having studied this legal issue in some depth, we're somewhat dependent upon what the facts are.

Obviously, if the situation were such that all of the fishing that was going on in the donut hole was resulting in the direct removal of fish that we would otherwise harvest in our EEZ, we would have a stronger international legal position to assert vis-a-vis third parties. On the other hand, if all of the fishing that is going on in the donut hole is having no effect on our stocks, we would obviously have a very weak basis for asking other countries to do anything.

I think at this time it is premature to judge because we do not know what the facts are and exactly what legal theories we might have available. We agree that the multilateral approach at this stage is certainly the most likely to succeed in the near term.

But I don't want to predict what international law is today, or what it might be three or four years from now when——

Mr. STUDDS. Or God knows what it is now.

Mr. JOHNSON. That's very hard to determine. When we know a lot more about what effect this fishing is having on our interests, we'll be in a better position to make the best legal argument the United States can for protecting those interests.

Mr. STUDDS. It will teach me to ask questions like that.

Does the gentleman from California have any questions?

Mr. HERGER. No questions.

Mr. STUDDS. Do any other members wish to ask a question? Mr. Lowry?

Mr. LOWRY. Thank you, Mr. Chairman.

The last couple of weeks we've heard some discussion on extending the territorial sea to 12 miles. Did somebody give us an update on what that discussion is?

Ambassador WOLFE. There has been an interest within the State Department, the Commerce Department, the Justice Department, and the Defense Department recently in considering extending to 12 miles the territorial sea. My staff has been meeting with other agencies to review that possibility.

We have intentionally not, on a formal basis, come up to brief any of you because we're not at the point where a decision has been made to do this. We're still going through a legal exercise. I'd be happy to come up and talk to you or your staff in terms of

where we are on this review process right now. But I think it would be premature to—well, actually, I have nothing to tell you. We're just reviewing whether that possibility would be a good move at this time.

Mr. LOWRY. Would you come up and talk to our staff?

Ambassador WOLFE. Yes, sir.

Mr. LOWRY. Thank you.

Thank you, Mr. Chairman.

Mr. STUDDS. Just out of curiosity, pursuing Mr. Lowry's question, the law of the sea—which is recognized by all the world except us—does speak to a 12-mile territorial sea, does it not? Isn't that what it——

Ambassador WOLFE. That's correct.

Most countries—with the exception of the Federal Republic of Germany and maybe one or two other major countries—I believe, probably, have extended to 12 miles. Is that a fair statement, a reasonable statement?

Mr. STUDDS. We'll probably get around to being just about the last.

It was the Declaration of Independence, I think, that had the phrase "with the decent respect for the opinion of mankind." But that's been a long time ago.

Are there any other questions?

Mr. BATEMAN. Yes.

Mr. STUDDS. Mr. Bateman?

Mr. BATEMAN. I noticed in one of the memoranda in our files references to some interest in joint ventures or other menhadan fishery activities. I have a rather substantial menhadan fishing interest in my part of the world. Do I need to be nervous about any of that?

Ambassador WOLFE. No, sir. I don't think you need to be nervous at all. But I would be happy to sit down and brief you more thoroughly on all aspects of the agreement, menhaden not being one of them at this point in time. But that's not to say that in the future there could not be U.S.-Soviet cooperation on the East Coast with regard to menhadan fisheries. In fact, I think there's an ongoing joint venture in New England right now.

Mr. BATEMAN. Yes.

Ambassador WOLFE. Not from your district, of course.

Mr. BATEMAN. Yes.

And no one on the northeastern coast of the United States is concerned about this?

Ambassador WOLFE. If they're concerned, they haven't expressed it to my office.

Mr. BATEMAN. OK.

Thank you.

Mr. STUDDS. Mr. Miller, did you have another question?

Mr. MILLER. One last question, Mr. Chairman.

You've asked for expedited approval of this agreement on an expedited basis. Could you be specific in terms of relating the days, weeks, months it takes to get this approved to what is likely to happen? What's the reason for this expedited basis?

Ambassador WOLFE. As Mr. Miller and the Chair are quite aware, we had a difficult problem around Christmas time with the

Japanese GIFA. We were under considerable time restraints for other reasons. We had to fly the agreement out to California to have the President sign it.

In this regard, we won't have the commercial joint ventures coming together. We won't have the joint marketing processing or whatever we might be doing together with the Soviets until the agreement's in force. The GIFA expires at the end of the year.

As you know, the Magnuson Act requires 60 consecutive legislative days of oversight before your committee. I don't have the exact days and numbers in front of me. We could provide our calculation, but I don't believe we have the 60 consecutive legislative days necessary for the oversight period. So we've requested and you've agreed to expedite the process.

Mr. MILLER. What's happening in the Senate?

Ambassador WOLFE. We've consulted with the Senate. I don't believe anyone has dropped anything in yet. But it's my understanding from those that I have spoken with personally they're ready, willing, and able to follow suit.

Mr. MILLER. After we act?

Ambassador WOLFE. I can't speak for the Senate.

Mr. MILLER. Follow our lead though.

Thank you, Mr. Chairman.

Mr. STUDDS. If there are no further questions, we'll come to an end.

I thank the Ambassador and Mr. Johnson.

Any members wishing to cosponsor the bill, let the staff know. We'll mark it up at the first available opportunity.

The subcommittee is adjourned.

Ambassador WOLFE. Thank you, Mr. Chairman.

[Letter from North Pacific Fishery Management Council can be found at end of hearing.]

[Whereupon, at 10:14 a.m., the subcommittee was adjourned.]

[The following was submitted for the record:]

I

100TH CONGRESS
2D SESSION

H. R. 4919

To approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1988

Mr. STUDDS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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A BILL

To approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of the Union of Soviet Socialist Republics, as contained in the message to Congress from the President of the United States dated June 22, 1988, is approved by the Con-

gress and shall enter into force and effect with respect to the United States on the date of the enactment of this Act.

○

Questions submitted by Chairman Gerry E. Studds to
Ambassador Edward W. Wolfe

1. Article VII of the Agreement commits the parties to "take action" to address the harvesting of salmon by third parties on the high seas and in each of the parties' zones. What plans does the State Department have for initiating talks with the USSR to specifically address these issues?

2. Article VII calls for the cooperative exchange of information pertaining to salmon management. Is the State Department setting up a US/USSR science conference on salmon for this fall?

1. Article VII of the Agreement commits the parties to "take action" to address the harvesting of salmon by third parties on the high seas and in each of the parties' zones. What plans does the State Department have for initiating talks with the USSR to specifically address these issues?

A. Article VII of the agreement states that the United States and Soviet Union will cooperate, consistent with their existing international obligations, on matters relating to the harvesting of anadromous species on the high seas beyond 200 miles. We anticipate that consultations on anadromous species issues will take place under the framework of the U.S.-USSR Intergovernmental Consultative Committee, which will be established pursuant to Article XIV once the agreement enters into force. We also expect that there will be an increased exchange between scientists of both countries on high seas salmon matters. For example, the take of salmon in the central Bering Sea groundfish fishery was included on the agenda of a U.S.-Soviet sponsored multilateral scientific symposium on Bering Sea resources, held in Sitka, Alaska, from July 19-21.

2. Article VII calls for the cooperative exchange of information pertaining to salmon management. Is the State Department setting up a U.S./USSR science conference on salmon for this fall?

A. The State Department is actively involved in facilitating arrangements for a U.S./USSR scientific bilateral meeting scheduled to be held in the USSR in the fall. Details are still being worked out, but the meeting of U.S. and Soviet scientists will discuss fisheries in the North Pacific Ocean, including salmon. Neither the specific date nor site has yet been chosen. The U.S. delegation will be led by Dr. William E. Evans, Under Secretary for NOAA.

North Pacific Fishery Management Council

James O. Campbell, Chairman
Clarence G. Pautzke, Executive Director

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June 24, 1988

Representative Gerry Studds, Chairman
Representative Don Young, Ranking Minority Member
Subcommittee on Fisheries and Wildlife
Conservation and the Environment,
Committee on Merchant Marine and Fisheries
Room 1334 Longworth House Office Bldg.
Washington, DC 20515

Dear Representatives Studds and Young:

On behalf of the North Pacific Fishery Management Council, I thank you for introducing the legislation providing Congressional approval of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations. Our Council fully supports both the agreement and the legislation.

The signing of the comprehensive fishery agreement in Moscow on May 31, 1988 was the result of efforts by many in the North Pacific fishing industry and the State Department. The Alaska Crab Coalition and Embassador Ed Wolfe are to be especially congratulated for their lead roles in this matter.

Signing the agreement at the summit elevated the subject of fisheries relations between the two countries to its rightful place in the spectrum of international commerce. Perhaps now, the commercial fishing industry's importance to the nation's economy will be recognized in the U.S.

Thank you again for your efforts in this matter. I would like to attend your Subcommittee hearing on June 30, but a previous commitment will keep me in Alaska.

Sincerely,

James O. Campbell
Chairman

488/AJ-3